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April 26, 2011

**(Via ECF only)**

Honorable A. Kathleen Tomlinson  
Magistrate Judge, U.S. District Court  
Alfonse D'Amato Courthouse  
100 Federal Plaza  
Central Islip, New York 11722-4438

**Re: JDM Long Island LLC v. Bank of America, N.A.  
Civil Action No.:10-CV-5564**

Dear Judge Tomlinson:

I appeared before Your Honor in the above matter yesterday. In reviewing your civil conference minute order, I saw that there is a notation that Joseph Moinian and David Moinian did not appear as counterclaim defendants. The Moinians are principals of JDM Long Island LLC ("JDM"), and I previously submitted a reply to the counterclaim on behalf of JDM, Joseph Moinian and David Moinian on March 14, 2011 (ECF#26).

In making my appearance yesterday, I should have expressly noted my representation of the Moinians in conjunction with JDM, and I apologize for any confusion this may have caused.

Honorable A. Kathleen Tomlinson  
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Accordingly for all further purposes it should be referenced that my firm and I represent JDM and the Moinians on the counterclaims. Indeed, the Case Management and Scheduling Order contemplates discovery in connection with the claims against the Moinians.

Respectively yours,

A handwritten signature in blue ink, appearing to read "KJN".

Kevin J. Nash, Esq.

Cc: Jeffrey Wang, Esq. (Via ECF only)  
Debra Ann Urbano-DiSalvo, Esq. (Via ECF only)